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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.
25 Plaintiff,
26 v.
27 GOOGLE INC.
28 Defendant.

Case No. CV 10-03561 WHA
**DECLARATION OF ROBERT L.
URIASTE IN SUPPORT OF
ADMINISTRATIVE MOTION TO
SEAL RE: ORACLE'S MOTION IN
LIMINE # 6**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

DECLARATION OF ROBERT L. URIARTE IN
SUPPORT OF ADMIN. MOT. TO SEAL RE:
ORACLE MOTION IN LIMINE # 6
CV 10-03561 WHA

1 I, Robert L. Uriarte, declare and state as follows:

2 1. I am a member of the State Bar of California, admitted to practice before this
3 Court, and an associate with the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”),
4 attorneys of record for plaintiff Oracle America, Inc. (“Oracle”). I am familiar with the events,
5 pleadings and discovery in this action and, if called upon as a witness, I could and would testify
6 competently to the matters stated herein of my own personal knowledge.

7 2. I submit this declaration in support of Oracle’s Administrative Motion to File
8 Under Seal Re: Oracle’s Motion *In Limine* # 6.

9 3. The following portions to Oracle’s Motion contain, quote from, or repeat
10 information that has been designated by Google Inc. as “CONFIDENTIAL” or “HIGHLY
11 CONFIDENTIAL – ATTORNEY’S EYES ONLY” pursuant to the Protective Order:

- 12 • Page 1, line 5: the dollar amount at the end of the sentence
- 13 • Page 1, line 7: the dollar amount after the word “number”
- 14 • Page 1, lines 17-21: the dollar amounts in each bulleted paragraph
- 15 • Page 1, line 25: the dollar amounts within the parentheses
- 16 • Page 1, footnotes 1 and 2: all dollar amounts state in both footnotes
- 17 • Page 2, line 6: the dollar amount after the word “Kearl’s”
- 18 • Page 3, lines 3-5: text after the word “that” on line 3 and before the first period on
19 line 5
- 20 • Page 3, lines 6-7: text after the word “that” on line 6 and before the word “that” on
21 line 7
- 22 • Page 3, lines 11-14: text after the word “that” on line 11 and before “see also” on
23 line 14
- 24 • Page 4, lines 8-24: all dollar amounts
- 25 • Page 5, lines 1-10: all dollar amounts

26 4. The following Exhibits to the Declaration of Andrew D. Silverman in Support of
27 Oracle’s Motion *In Limine* # 6 contain, quote from, or repeat information that has been designated
28

1 by Google Inc. as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES
2 ONLY”:

- 3 • Exhibit 1, Dr. Kearl’s March 18, 2016 Report
- 4 • Exhibit 2, Excerpts from the March 23, 2016 deposition of Professor Kearl
- 5 • Exhibit 3, Excerpts from the March 28, 2016 Supplemental Report of Dr. Jaffe

6 Google has designated the entirety of Dr. Kearl’s deposition transcript (Exhibit 2) as “HIGHLY
7 CONFIDENTIAL – ATTORNEY’S EYES ONLY.” Accordingly, Oracle submits the entirety of
8 Exhibit 2 under seal, as well as passages of Exhibit 3 reflecting Dr. Kearl’s deposition testimony.
9 Google has also designated a significant amount of material discussed in Dr. Kearl’s March 18,
10 2016 Report (Exhibit 1), as CONFIDENTIAL” and “HIGHLY CONFIDENTIAL –
11 ATTORNEY’S EYES ONLY,” including analyses by Google’s damages expert Dr. Leonard that
12 are discussed in Dr. Kearl’s Report. *See, e.g.*, ECF No. 1580 at ¶ 2 (Google declaration seeking
13 to seal, *inter alia*, Dr. Leonard’s hypothetical cost savings calculations). Based on ECF No. 1580,
14 it appears that Google seeks to maintain its Protective Order designations for much of Google’s
15 financial data and discussions of Google contracts with third parties contained in Dr. Kearl’s
16 Report. Oracle objects to Google’s designations but files Dr. Kearl’s report under seal in an
17 abundance of caution in order to provide Google the opportunity to seek relief under L.R. 79-5.

18 5. As set forth in the Declaration of Andrew Temkin in Support of Oracle’s
19 Administrative Motion to File Under Seal re: Oracle’s Motion *In Limine* # 6, the following
20 portions of Dr. Kearl’s Report contain highly confidential Oracle financial information from 2014
21 and 2015 that Oracle has designated under the Protective Order:

- 22 • Page 47: the 2015 revenue numbers stated in the last two sentences of paragraph 92 of
23 Dr. Kearl’s Report

24 • The 2014 and 2015 financial information contained in Exhibit 6 to Dr. Kearl’s Report
25 Oracle respectfully requests that this confidential 2014 and 2015 financial information remain
26 under seal and submits herewith under seal a version of Dr. Kearl’s Report with Oracle’s
27 proposed redactions highlighted in yellow. Should Google obtain relief pursuant to L.R. 79-5, and
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1 to the extent that Oracle's present motion to seal is granted, Oracle respectfully requests that the
2 parties be given the opportunity to prepare and file a single public version of Dr. Kearl's Report
3 that redacts both parties' designated information.

4
5 I declare under penalty of perjury under the laws of the United States that the foregoing is
6 true and correct.

7 Executed this 30th day of March, 2016 at San Francisco, CA.

8
9 /s/ Robert L. Uriarte

10 Robert L. Uriarte
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